

Appln. No. 09/700,879  
Amd. dated September 22, 2004  
Reply to Office Action of July 1, 2004

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1, 3, 5-12, 17-19, and 22-25 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 12, 17, 19 and 25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendments to the claims. Claims 12, 17 and 25 no longer depend from cancelled claims 20 and 21. Claim 19 is now amended to clarify it is the bond between the spacer and hyaluronic acid that is selected from the recited Markush group.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 8, 11, 12, 19, 23, and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Preswiche et al. (U.S. Patent 5,874,417).

Claims 1, 3, 5-17, 17-19, and 22-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Prestwich et al. (U.S. Patent 5,874,417) and Gallardy (WO 92/09556).

Claims 1, 3, 5-12, 17-19, and 22-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Prestwich and

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Gallardy in further view of Bemis et al. (U.S. Patent 6,147,080)  
or Wunderlich et al. (U.S. Patent 6,066,332).

The above three prior art rejections, which all rely on Prestwich et al. (U.S. Patent 5,874,417) as a primary reference, are obviated because the Prestwich reference is antedated by the attached certified English translations of the three Japanese priority documents. Applicants' claim to foreign priority is now perfected.

Reconsideration and withdrawal of the prior art rejections are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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